IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

WP(C).No. 20388 of 2007(B)

PETITIONER:

P.G.VIJAYASANKAR,
UPPER DIVISION CLERK, GOVERNMENT VOCATIONAL HIGHER SECONDARY SCHOOL, THALAVADI,
ALAPPUZHA DISRICT.

BY ADV. SRI.S.P.ARAVINDAKSHAN PILLAY
SMT.N.SANTHA
SRI.S.A.ANAND

RESPONDENTS: 1

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1. DIRECTOR, VOCATIONAL HIGHER SECONDARY EDUCATION, THIRUVANANTHAPURAM.

2. NISHIMOL, CLERK ON DAILY WAGES,
GOVERNMENT REGIONAL FISHERIES TECHNICAL AND VOCATIONAL HIGHER SECONDARY SCHOOL,
ARUTHUNGAL, ALAPPUZHA DISTRICT.

BY GOVERNMENT PLEADER SRI.T.T.MUHAMOOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: True copy of the order No.E2/1229/07 dated 11.5.2007 of the Director, Vocational Higher Secondary Education.

Ext.P2: True copy of the order No.E2/1229/2007 dated 25.5.2007 of the 1st respondent.

Ext.P3: True copy of the order No.E2/1229/07 dated 8.5.2007 of the 1st respondent.

Ext.P4: True copy of the representation submitted by the petitioner before the 1st respondent dated 15.5.2007.

Ext.P5: True copy of the representation submitted by the petitioner before the 1st respondent dated 14.6.2007.

Ext.P6: True copy of the representation submitted by the petitioner before the 1st respondent dated 25.6.2007.

// True Copy //

P.A. To Judge

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A.K.BASHEER, J.

W.P.(C)No.20388 OF 2007

Dated this the 27th day of July, 2007

JUDGMENT

Petitioner is an Upper Division Clerk in the Vocational Higher Secondary Education Department. He is now working at Thalavadi in Alappuzha district. He had made a request to transfer him to Arthungal in Cherthala Taluk of Alappuzha district. But his request has not been considered so far. In the meanwhile, the vacancy at Arthungal is now being filled up by engaging respondent no.2 on daily wage basis.

2. Learned counsel submits that the action of respondent no.1 is totally unjust and illegal. The stand taken by respondent no.1 in the counter affidavit appears to be that the above post at Arthungal is proposed to be kept vacant to accommodate an appointee under the dying in harness scheme, who is stated to be the dependent of a defence personnel. It is the admitted position that such an appointment has not yet been made.

3. In that view of the matter, I do not find any justification in the stand taken by respondent no.1 in refusing to accede to the request of the petitioner to appoint him at that station, if there is no other legal impediment.

Therefore, respondent no.1 shall issue appropriate orders giving transfer and posting to the petitioner in GRFT Vocational Higher Secondary School at Aruthungal forthwith, if there is no other legal impediment. Writ petition is disposed of as above.

A.K.BASHEER, JUDGE

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